

COPY OF PAPERS
ORIGINALLY FILED

09/765,231



PATENT

Case SO3221-US

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE

IN RE APPLICATION OF:

Phippard et al.

SERIAL NUMBER: 09/765,231

FILED: January 18, 2001

|

|

|

|

GROUP ART UNIT: 1632

EXAMINER: Liping Chen

DATE: August 26, 2002

TITLE: OSTEOARTHRITIS TISSUE DERIVED NUCLEIC ACIDS,
POLYPEPTIDES, VECTORS AND CELLS

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
First Class Mail in an envelope addressed to:
Commissioner of Patents and Trademarks,
Washington D.C., 20231 on August 26, 2002

Linda Haley Date: 8/26/02
LINDA HALEY

AMENDMENT & REPLY TO REQUIREMENT FOR
RESTRICTION

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

This is in response to the Requirement for Restriction dated
April 24, 2002, having a Shortened Statutory Period for Reply for
which was set to expire on May 24, 2002. A three month extension
of time to August 24, 2002 is hereby requested. Should any
additional charges be necessary, please charge the appropriate fees
to Deposit Account No. 19-1025.

In response to the Requirement for Restriction, please
amend the subject application as follows:

IN THE CLAIMS

#90
9-13-02
P.2
GP1632

RECEIVED
SEP 09 2002
TECH CENTER 1600/2900

#8
P-13-02
P.2

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
S03221-US

In Re Application Of: Phippard et. al.

Serial No.
09/765,231

Filing Date
January 18, 2001

Examiner
Liping Chen

Group Art Unit
1632

Invention: Osteoarthritis Tissue Derived Nucleic Acids, Polypeptides, Vectors and Cells

RECEIVED

SEP 09 2002

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

TECH CENTER 1600/2900

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of April 24, 2002 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: May 24, 2002 until: August 24, 2002
Date *Date*

COPY OF PAPERS
ORIGINALLY FILED

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	17 -	59 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	7 -	9 =	0	x \$80.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$920.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$920.00

9/05/2002 BSAYAS11 00000091 191025 09765231

1 FC117 920.00 CH

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
S03221-US

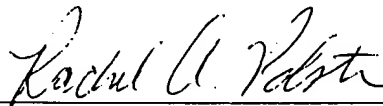
RECEIVED

SEP 09 2002

TECH CENTER 1600/2900

The fee for the amendment and extension of time is to be paid as follows:

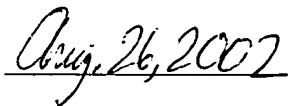
- ☐ A check in the amount of \$920.00 for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 19-1025 in the amount of \$920.00
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. A duplicate copy of this sheet is enclosed.



Signature

Rachel A. Polster
47,004

Dated:



I certify that this document and fee is being deposited on August 26, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Correspondence

LINDA HALEY

Typed or Printed Name of Person Mailing Correspondence

CC:



COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Serial No. 09/765,231
Filing Date: January 18, 2001
Examiner: Liping Chen
Group Art Unit: 1632
Docket No. S03221-US

Invention: Osteoarthritis Tissue Derived Nucleic Acids, Polypeptides,
Vectors and Cells

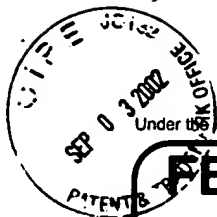
Date of Deposit: August 26, 2002

I hereby certify that these papers or fee is being deposited with the United States Post Office to Addressee service under 37 CFR 1.10 & 1.8 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231

Fee Transmittal
Combined Amendment & Petition for Extension of Time
Amendment & Reply to Requirement for Restriction
Return Post Card

Linda Haley
(Typed or printed name of person mailing paper or fee)

Linda Haley
(Signature of person mailing paper or fee)



PTO/SB/17 (11-01)
Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002 Patent fees are subject to annual revision.		Complete if Known	
		Application Number 09/765,231	Filing Date January 18, 2001
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		First Named Inventor Phippard et. al.	Examiner Name Liping Chen
TOTAL AMOUNT OF PAYMENT \$920.00		Group Art Unit 1632	Attorney Docket No. S03221-US

RECEIVED

SEP 0 9 2002

TECH CENTER 1600 2900

METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 19-1025 Deposit Account Name: Pharmacia Corporation The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.		FEE CALCULATION (continued)																																																																																																																																																									
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101 740</td> <td>201 370</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>106 330</td> <td>206 165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107 510</td> <td>207 255</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108 740</td> <td>208 370</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114 160</td> <td>214 80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="3">SUBTOTAL (1)</td> <td></td> </tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	101 740	201 370	Utility filing fee		106 330	206 165	Design filing fee		107 510	207 255	Plant filing fee		108 740	208 370	Reissue filing fee		114 160	214 80	Provisional filing fee		SUBTOTAL (1)				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105 130</td> <td>205 65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>127 50</td> <td>227 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139 130</td> <td>139 130</td> <td>Non - English specification</td> <td></td> </tr> <tr> <td>147 2,520</td> <td>147 2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>112 920*</td> <td>112 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113 1,840*</td> <td>113 1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115 110</td> <td>215 55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116 400</td> <td>216 200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117 920</td> <td>217 460</td> <td>Extension for reply within third month</td> <td>920.00</td> </tr> <tr> <td>118 1,440</td> <td>218 720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128 1,960</td> <td>228 980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119 320</td> <td>219 160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120 320</td> <td>220 160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121 280</td> <td>221 140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138 1,510</td> <td>138 1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140 110</td> <td>240 55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>141 1,280</td> <td>241 640</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142 1,280</td> <td>242 640</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143 460</td> <td>243 230</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144 620</td> <td>244 310</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122 130</td> <td>122 130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123 50</td> <td>123 50</td> <td>Processing fee under 37 CFR § 1.17(q)</td> <td></td> </tr> <tr> <td>126 180</td> <td>126 180</td> <td>Submission of Information Disclosure Statement</td> <td></td> </tr> <tr> <td>581 40</td> <td>581 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146 740</td> <td>246 370</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>149 740</td> <td>249 370</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>179 740</td> <td>279 370</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>169 900</td> <td>169 900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="3">Other fee (specify)</td> <td></td> </tr> <tr> <td colspan="3">SUBTOTAL (3)</td> <td>920.00</td> </tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105 130	205 65	Surcharge - late filing fee or oath		127 50	227 25	Surcharge - late provisional filing fee or cover sheet		139 130	139 130	Non - English specification		147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination		112 920*	112 920*	Requesting publication of SIR prior to Examiner action		113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for reply within first month		116 400	216 200	Extension for reply within second month		117 920	217 460	Extension for reply within third month	920.00	118 1,440	218 720	Extension for reply within fourth month		128 1,960	228 980	Extension for reply within fifth month		119 320	219 160	Notice of Appeal		120 320	220 160	Filing a brief in support of an appeal		121 280	221 140	Request for oral hearing		138 1,510	138 1,510	Petition to institute a public use proceeding		140 110	240 55	Petition to revive - unavoidable		141 1,280	241 640	Petition to revive - unintentional		142 1,280	242 640	Utility issue fee (or reissue)		143 460	243 230	Design issue fee		144 620	244 310	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Processing fee under 37 CFR § 1.17(q)		126 180	126 180	Submission of Information Disclosure Statement		581 40	581 40	Recording each patent assignment per property (times number of properties)		146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))		149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))		179 740	279 370	Request for Continued Examination (RCE)		169 900	169 900	Request for expedited examination of a design application		Other fee (specify)				SUBTOTAL (3)			920.00
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																								
101 740	201 370	Utility filing fee																																																																																																																																																									
106 330	206 165	Design filing fee																																																																																																																																																									
107 510	207 255	Plant filing fee																																																																																																																																																									
108 740	208 370	Reissue filing fee																																																																																																																																																									
114 160	214 80	Provisional filing fee																																																																																																																																																									
SUBTOTAL (1)																																																																																																																																																											
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																								
105 130	205 65	Surcharge - late filing fee or oath																																																																																																																																																									
127 50	227 25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																									
139 130	139 130	Non - English specification																																																																																																																																																									
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																									
112 920*	112 920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																									
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																									
115 110	215 55	Extension for reply within first month																																																																																																																																																									
116 400	216 200	Extension for reply within second month																																																																																																																																																									
117 920	217 460	Extension for reply within third month	920.00																																																																																																																																																								
118 1,440	218 720	Extension for reply within fourth month																																																																																																																																																									
128 1,960	228 980	Extension for reply within fifth month																																																																																																																																																									
119 320	219 160	Notice of Appeal																																																																																																																																																									
120 320	220 160	Filing a brief in support of an appeal																																																																																																																																																									
121 280	221 140	Request for oral hearing																																																																																																																																																									
138 1,510	138 1,510	Petition to institute a public use proceeding																																																																																																																																																									
140 110	240 55	Petition to revive - unavoidable																																																																																																																																																									
141 1,280	241 640	Petition to revive - unintentional																																																																																																																																																									
142 1,280	242 640	Utility issue fee (or reissue)																																																																																																																																																									
143 460	243 230	Design issue fee																																																																																																																																																									
144 620	244 310	Plant issue fee																																																																																																																																																									
122 130	122 130	Petitions to the Commissioner																																																																																																																																																									
123 50	123 50	Processing fee under 37 CFR § 1.17(q)																																																																																																																																																									
126 180	126 180	Submission of Information Disclosure Statement																																																																																																																																																									
581 40	581 40	Recording each patent assignment per property (times number of properties)																																																																																																																																																									
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																									
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																									
179 740	279 370	Request for Continued Examination (RCE)																																																																																																																																																									
169 900	169 900	Request for expedited examination of a design application																																																																																																																																																									
Other fee (specify)																																																																																																																																																											
SUBTOTAL (3)			920.00																																																																																																																																																								
2. EXTRA CLAIM FEES FOR UTILITY AND <table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims -20** = 0</td> <td>X</td> <td>0.00</td> </tr> <tr> <td>Independent Claims -3** = 0</td> <td>X</td> <td>0.00</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>103 18</td> <td>203 9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>102 84</td> <td>202 42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>104 280</td> <td>204 140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>109 84</td> <td>209 42</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>110 18</td> <td>210 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="3">SUBTOTAL (2)</td> <td>0.00</td> </tr> </tbody> </table>		Extra Claims	Fee from below	Fee Paid	Total Claims -20** = 0	X	0.00	Independent Claims -3** = 0	X	0.00	Multiple Dependent			Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	103 18	203 9	Claims in excess of 20		102 84	202 42	Independent claims in excess of 3		104 280	204 140	Multiple dependent claim, if not paid		109 84	209 42	** Reissue independent claims over original patent		110 18	210 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)			0.00	**or number previously paid, if greater; For Reissues, see above *Reduced by Basic Filing Fee Paid																																																																																																																	
Extra Claims	Fee from below	Fee Paid																																																																																																																																																									
Total Claims -20** = 0	X	0.00																																																																																																																																																									
Independent Claims -3** = 0	X	0.00																																																																																																																																																									
Multiple Dependent																																																																																																																																																											
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																								
103 18	203 9	Claims in excess of 20																																																																																																																																																									
102 84	202 42	Independent claims in excess of 3																																																																																																																																																									
104 280	204 140	Multiple dependent claim, if not paid																																																																																																																																																									
109 84	209 42	** Reissue independent claims over original patent																																																																																																																																																									
110 18	210 9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																									
SUBTOTAL (2)			0.00																																																																																																																																																								

SUBMITTED BY Name (Print/Type): Rachel A. Polster Signature: <i>Rachel A. Polster</i>		Registration No. (Attorney/Agent): 47,004 Telephone: 314-694-7354 Date: Aug. 26, 2002	
--	--	---	--

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.